

# **IL Accessibility Task Force**

## **February 22, 2010 - 1:00 p.m. - CDB Board Room**

### **MEETING MINUTES**

#### **Task Force Members in Attendance**

**Senator Pamela Althoff**, Chairperson (representing the Minority Leader of the Senate)

**Erin Athas, representing Rep. Tim Schmitz**

(representing the IL House of Representatives)

**Debbie Davis** (representing the Coalition of Citizens with Disabilities)

**Douglas Gamble** (representing the IL Capital Development Board)

**John Ryan** (representing the IL Association of School Boards)

**Robert Sondgeroth** (representing the IL Association of Regional Superintendents of Schools)

**Vickie Simpson** (via teleconference) (representing the Illinois Attorney General)

#### **Task Force Members not in Attendance**

**Rep. Keith Farnham** (representing the Speaker of the IL House of Representatives)

#### **Guests in Attendance**

Lisa Mattingly, CDB

Nicki Patterson, CDB

Mike Prombo, CUSD 300

Karen Shoup, ISBE

Windy Gerlach, CDB

Glenn Smith, CDB

Senator Althoff called the meeting to order at 1:10 p.m.

Introductions were made by the Task Force and the guests in attendance.

History of the legislation was given by Mr. Gamble. Mr. Gamble stated the idea of press boxes being made accessible or not has been on-going for over ten years. Since the code came out in 1997 (the most recent code), many school districts have called the Capital Development Board (CDB) to see whether press boxes need to be made accessible. Mr. Gamble stated with a strict reading of the code, it states the only exemption is for a privately-owned public facility. No exemptions are given for publicly-owned public facilities. Officially, CDB has stated that press boxes must be made accessible because there is nothing in the code that exempted them. The school district in Senator Althoff's area approached her and Rep. Schmitz for legislation that would help solve this on-going problem. An Act was then passed and signed by the Governor that exempted all press boxes that had been built up until the time that he signed the legislation which was in August of 2009. The Act also called for a committee to be formed to discuss future press boxes as well as any other issues that may be relevant to school districts.

The focus of the Task Force was discussed. Senator Althoff stated it was very clear in the legislation that the focus is to review the accessibility code with respect to public school property. That will be the main focus of the task force, however the Task Force discussed the possibility of expanding the scope and holding public hearings to aid them in making recommendations to assist in the reviewing and revising of the Illinois Accessibility Code (IAC). Mr. Gamble stated that the IAC normally is updated every ten years, though it has now been 13 since it has been revised. The Americans with Disability Act (ADA) that was passed in 1990 is still actually the law because the 2004 update has not yet been approved by the Justice Department. CDB has been waiting for the Justice Department to confirm the updates, but has yet to do so

which has caused the delay in updating the IAC. CDB feels that they cannot wait any longer and need to look at the IAC and see how it lines up with the 2004 ADA, with the hopes that by the time they have the IAC reviewed the Justice Department will have the 2004 ADA confirmed. Senator Althoff suggested this to also be an opportunity for the Task Force to weigh in on the national level if they see any issues.

Senator Althoff noted that some previous discussion was to check with other various agencies that would be affected if the Task Force went outside the scope of school property. The Task Force agreed, however it was noted that the main focus of the Task Force would be to address school property first and then, depending upon what kind of response is received from other agencies, the Task Force could make that decision.

The Task Force discussed future meetings including possible dates and times. Mr. Ryan asked Senator Althoff to take into consideration that he would request that the second and fourth Monday of each month be avoided as meeting dates due to school board meetings. It was decided that at least one meeting should be held in Chicago at the Thompson Center and other meetings will be held in Springfield. Mr. Gamble anticipates addressing the school property should take approximately three meetings of the Task Force.

Ms. Simpson voiced her concern that the Task Force not lessen any requirements for accessibility on school property. Senator Althoff agreed with this and stressed that that is one of the reasons the Task Force has been formed, to address the inconsistency in how press boxes and the ADA were being applied. She wanted to have a task force in place to ensure those rights are being protected.

Mr. Gamble asked that the Task Force keep in mind that there are times when a school district has a very small press box that is less than 500 feet by the ADA's guidelines, by our code now there would still have to be access to the press box. Mr. Gamble feels that the Task Force would want to make Illinois law equal with the federal law in terms of the federal guidelines. Ms. Simpson stressed she does not want to see any guidelines erode, if Illinois is more stringent it's important to not lessen our requirements and to be consistent.

Mr. Ryan stated that his school district was the district that led this legislation. They were perplexed by the inconsistent interpretations by various ROEs. Their whole desire is to see what is actually required and to ensure consistent interpretation not only amongst the ROEs across the state, but within each respective ROE as well. He noted after their construction was done, they were told they were not compliant although their construction plans were approved.

Mr. Sondgeroth stated they welcome this Task Force and want to ensure consistency.

Senator Althoff stated there is no time limit on this legislation. The Task Force remains in place until a report is submitted and recommendations have been made. She suggested having meetings in March, April and May of 2010. She believes that will give time in the future if the Task Force wants to expand the Act and invite public opinion and comment.

Ms. Simpson noted that only press boxes built prior to the effective date of the Act are exempt. Press boxes built afterwards must comply. ROEs and Mr. Gamble have been advising schools to either wait until this Task Force comes to a clear decision or to make the press boxes accessible. Ms. Shoup confirmed the school code has not been amended.

The meeting adjourned at 1:45 p.m.